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PATENT
ATTY. DOCKET NO. DIVER1280-17
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Short *et al.* Art Unit: 1645
Application No.: 09/975,036 Examiner: Unassigned
Filed: October 10, 2001
Title: HIGH THROUGHPUT OR CAPILLARY-BASED SCREENING FOR A BIOACTIVITY OR BIOMOLECULE

Box Sequence
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Arlington, VA 22202

The PTO did not receive the following
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TRANSMITTAL LETTER

Sir:

In response to the notice to file missing parts of nonprovisional application mailed November 15, 2001, Applicant provides herewith a computer readable and a paper copy of the Sequence Listing in accordance with 37 C.F.R. § 1.821 *et seq.* The remaining items noted as missing parts will be submitted under separate cover to Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231.

Transmitted herewith for the above-identified application please find:

1. Statement Under 37 C.F.R. §§ 1.821(f) and (g) (1 pg.);
2. Verified Statement Under 37 C.F.R. §§ 1.821(f) (1 pg.);
3. Response to Notice to File Missing Parts of Nonprovisional Application (2 pgs.);
4. Sequence Listing (6 pgs.);
5. Sequence Listing in computer readable form (3.5" disk);
6. Copy of Notice to File Missing Parts (2 pgs.); and
7. Return Postcard

02/27/2002 SHINASS1 00000092 501355 09975036

04 FC:215 55.00 CH

DISK TO STIC

DATE: _____

**CERTIFICATION UNDER 37 CFR §1.8**

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, February 15, 2002, in an envelope addressed to: U.S. Patent and Trademark Office Box Sequence, P.O. Box 2327, Arlington, VA 22202.

Mikhail Bayley

Name of Person Mailing Paper

Mikhail Bayley

February 15, 2002

Signature

Date

In re Application of:

Short *et al.*

Application No.: 09/975,036

Filed: October 10, 2001

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PATENT

Attorney Docket No.: DIVER1280-17

A Petition for Extension of Time and Check No. 501074 in the amount of \$55.00 have been filed under separate cover. The Commissioner is hereby authorized to charge any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: February 15, 2002

By: Richard J. Reynolds ^{Reg. No. 37,643}

Kelly Reynolds

Reg. No. P51,154

Telephone: (858) 638-6724

Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP

4365 Executive Drive, Suite 1100

San Diego, California 92121-2133

USPTO Customer Number: 28213



PATENT
Attorney Docket No.: DIVER1280-17

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RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION

Dear Sir:

In response to the notice to file missing parts of nonprovisional application mailed November 15, 2001, Applicant provides herewith a computer readable and a paper copy of the Sequence Listing in accordance with 37 C.F.R. § 1.821 *et seq.* The remaining items noted as missing parts will be submitted under separate cover to Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231.

Please amend the application as follows:

In the Specification:

Following the abstract, please insert the attached Sequence Listing with subsequent page numbering thereafter.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>February 15, 2002</u> , in an envelope addressed to: U.S. Patent and Trademark Office Box Sequence, P.O. Box 2327, Arlington, VA 22202.	
Name of Person Mailing Paper <u>Mikhail Bayley</u>	
Signature <u>[Signature]</u>	Date <u>February 15, 2002</u>

In re Application of:

Short *et al.*

Application No.: 09/975,036

Filed: October 10, 2001

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PATENT

Attorney Docket No.: DIVER1280-17

If the Examiner would like to discuss any of the issues raised in this Amendment or the attached sequence listing, Applicants' representative can be reached at (858) 638-6734.

Respectfully submitted,

Date: February 15, 2002

By: Kelly Reynolds ^{Reg. No. 37,693}
Reg. No. P51,154
Telephone: (858) 638-6724
Facsimile: (858) 677-1465

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER 09/975,066	FILING/RECEIPT DATE 10/10/2001	FIRST NAMED APPLICANT Jay M. Short	ATTORNEY DOCKET NUMBER DIVER1280-17
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FEB 20 2002

PATENT & TRADEMARK OFFICE

Lisa A. Haile, Ph.D.
Gray Cary Ware & Freidenrich LLP
Suite 1100
4365 Executive Drive
San Diego, CA 92121-2189

PATENT DOCKETING

NOV 20 2001

GRAYCARY/T.ELLIS

CONFIRMATION NO. 2400

FORMALITIES LETTER



OC00000007074411

Date Mailed: 11/15/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

02/27/2002 SRINAGSI 00000092 09975036

01 FC:203 1773.00 CH
02 FC:202 798.00 CH
03 FC:204 140.00 CH

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$2711.
 - \$1773 for 197 total claims over 20.
 - \$798 for 19 independent claims over 3.
 - \$140 for multiple dependent claim surcharge.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2776.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch),
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at

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01 FC:203 1773.00 CH
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03 FC:204 140.00 CH

63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY